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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,474	04/09/2001	Naoto Kinjo	Q63869	6764

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EXAMINER	
BLACKMAN, ANTHONY J	

ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/828,474	KINJO, NAOTO	
	Examiner	Art Unit	
	ANTHONY J BLACKMAN	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 27-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 27-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see paper number 10, filed 3/23/04, with respect to applicant's arguments regarding use of WAJIMA, US Patent No. 6,498,613 does not overcome the instant application have been fully considered and are persuasive. Examiner agrees with the applicant as a result of the newly added claims 27-29 making WAJIMA non-analogous art because motivation to combine any references representing features of claims 27-29 that refer to specific graphic processing means with WAJIMA would not be reasonable. Therefore, the 35 USC 103 rejection using WAJIMA as the primary reference of paper number 10 has been withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by OHKI et al, US Patent No. 6,529,206.

4. As per claim 1, examiner interprets OHKI et al to teach the limitations as claimed;

An image processing method utilizing computer graphics in which an image at a higher drawing level (figure 41 e) is formed from a computer graphics image formed by computer graphics (figure 41a) said method comprising the steps of: selecting a particular drawing level from a plurality of drawing levels set in advance for a computer graphics algorithm (figurer 4, column 8, line 56-column 9, line 60) based on at least one of an amount of computation processing, an amount of data and a display resolution (figurer 4, column 8, line 56-column 9, line 60);

executing a process of forming the computer graphics image by said computer graphics algorithm at the thus selected particular drawing level (figurer 4, column 8, line 56-column 9, line 60); and

Performing processing by said computer graphics algorithm at a higher drawing level than said particular drawing level which was selected from said plurality of drawing levels (figure 4, elements 11-22, column 8, line 56-column 9, line 60)based on editing data in the process of forming said computer graphics image at said particular drawing level (figure 4, column 8, line 56-column 9, line 60)or based on said editing data (OHKI et al disclose at least the underlined feature) and attached data thereby forming image data at said higher drawing level (figure 4, column 8, line 56-column 9, line 60).

5. As per claim 2, examiner interprets OHKI et al to meets limitations, of claim 1, as well as: wherein said image at the higher drawing level is an image to be printed or an image to be displayed (figure 4, column 8, line 56-column 9, line 60 - OHKI et al disclose at least the underlined feature) , and said image data at the higher drawing

level is print image data or display image data (OHKI et al disclose at least the underlined feature- figure 4, column 8, line 56-column 9, line 60).

6. As per claim 3, OHKI et al meets limitations, of claim 1, as well as: wherein said image at the higher drawing level is an output image (figure 4, elements 3 and 22), said image data at the higher drawing level is output image data (figure 4, elements 3 and 22), and said processing by said computer graphics algorithm at the higher drawing level Is performed in a process of outputting (figure 4, elements 11-22 and column 8, line 56-column 9, line 60) .

7. As per claim 4, examiner interprets OHKI et al meets limitations, of claim 1, as well as; wherein when said computer graphics image is formed, said particular drawing level is selected from said plurality of drawing levels for each image component in an imaged scene or for each processing operation performed for producing a specified particular effect on said computer graphics image (figure 4, elements 11-22 and column 8, line 56-column 9, line 60-OHKI et al disclose at least the underlined feature).

8. As per claim 5, OHKI et al meets limitations, of claim 1, as well as; wherein a plurality of computer graphics algorithms are further prepared (figure 3, elements 1-2, figure 4, elements 11-22 and column 8, line 56-column 9, line 60), and a particular algorithm is selected from said plurality of computer graphics algorithms based on at least one of said amount of computation processing (figure 4, elements 11-22 and column 8, line 56-column 9, line 60-please note the GUI processing)
said amount of data and said display resolution (figure 4, elements 11-22 and column 8, line 56-column 9, line 60), and for the thus selected particular algorithm, said particular

drawing level is selected from said plurality of drawing levels (figure 4, elements 11-22 and column 8, line 56-column 9, line 60).

9. As per claim 6, OHKI et al meets limitations, of claim 5, as well as; wherein when said computer graphics image is formed, said particular algorithm is selected from said plurality of computer graphics algorithms for each image component in an imaged scene or for each processing operation performed for producing a specified particular effect on said computer graphics image (figure 4, elements 11-22 and column 8, line 56-column 9, line 60-OHKI et al disclose at least the underlined feature).

10. As per claim 7, OHKI et al meet limitations of claim 1, including wherein the process of forming the computer graphics image at the particular drawing level is performed in a first processor (figure 4, elements 11-22 and column 8, line 56-column 9, line 60), whereas the processing by said computer graphics algorithm at the higher drawing level is performed with a different timing in a second image processor different from said first image processor (figure 4, elements 11-22 and column 8, line 56-column 9, line 60-please note that the GUI processing means provides selective processor processing, meaning that the different timing is inherent).

11. As per claim 8, OHKI et al meet limitations of claim 7, including, wherein the first image processor is a personal computer and said second image processor is a host computer connected to a personal computer through a communication network (column 64, line 41-column 65, line 44).

12. As per claim 9, OHKI et al to meet limitations of claim 1, as well as: wherein the process of forming the computer graphics image at the particular drawing level is

performed in an image and the processing by said computer graphics algorithm at the higher drawing level is performed in the same image processor (figure 4, and column 9, lines 60-64 and column 64, line 54-column 65, line 23).

13. As per claim 10, OHKI et al meet limitations of claim 9, including, wherein said image processor is a personal computer (column 64, line54-column 65, line 23).

As per claim 11, OHKI et al meet limitations of claim 1, including, wherein processing operations at different drawing levels including the process of forming the computer graphics image at the particular drawing level and the processing by said computer graphics algorithm at the higher drawing level (figure 4, elements 11-22 and column 8, line 56-column 9, line 60) are performed by sharing among a plurality of image processors interconnected through a communication network (figure 52c, column 64, line 54-column 65, line 23).

14. As per claim 12, OHKI et al meet limitations of claim 11, including, wherein said plurality of image processors are personnel computers (figure 52c, column 64, line 54-column 65, line 23).

15. As per claim 13, OHKI et al meet limitations of claim 11, including, wherein an image processor to be selected from said plurality of image processors for performing a processing operation at each of said different drawing levels (figure 4, elements 11-22 and column 8, line 56-column 9, line 60) and a timing applied for performing said processing operation are set in advance (column 65, lines 10-16)to said editing or as a processing condition (figure 52c, column 64, line 54-column 65, line 23 –OHKI et al disclose at least the underlined feature).

16. As per claim 27, OHKI et al meet limitations of claim 1, including, wherein the higher drawing level is defined by a graphics quality (figure 4, elements 11-22 and column 8, line 56-column 9, line 60).

17. As per claim 28, OHKI et al meet limitations of claim 27, including, wherein the graphics quality comprises at least one of a resolution, number of polygons, raying processing, density scale resolution and an existence/nonexistence of reflected light (OHKI et al disclose at least the underlined feature-figures 381 and 38b and column 43, lines 6-14).

18. As per claim 29, OHKI et al meet limitations of claim 27, including, designating image editing data to form the computer graphics image (figure 4, elements 11-22 and column 8, line 56-column 9, line 60).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. BLANK, US Patent No. 5,469,536 disclose a graphical user interface processing for "...selectively combining digital images (column 4, lines 5-13)". JENKINS, US Patent No. 6,057,847 graphical user interfacing method using client-server and interactive computer processing for computer animation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached Monday-Friday on an eight-hour FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANTHONY J BLACKMAN
Examiner
Art Unit 2676

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